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Attorney Docket No: 17810-510 (SCI-10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Uchida *et al.*

ASSIGNEE: StemCells Inc.

SERIAL NUMBER: 09/422,844

EXAMINER: Not Yet Assigned

FILING DATE: October 21, 1999

ART UNIT: 1648

FOR: ENRICHED CENTRAL NERVOUS SYSTEM STEM CELL AND
PROGENITOR CELL POPULATIONS, AND METHODS FOR
IDENTIFYING, ISOLATING, AND ENRICHING SUCH POPULATIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter (an original, first and joint inventor) which is claimed and for which a utility patent is sought on the invention entitled:

**ENRICHED CENTRAL NERVOUS SYSTEM STEM CELL AND PROGENITOR CELL
POPULATIONS, AND METHODS FOR IDENTIFYING, ISOLATING, AND
ENRICHING SUCH POPULATIONS**

the specification of which was filed on October 21, 1999, as United States non-provisional application U.S.S.N. 09/422,844, bearing Attorney Docket No. 17810-510 (SCI-10).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

09/422,844-1648

- ☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States application listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application:

Application No. (U.S.S.N.)	Filing Date (dd/mm/yy)	Status (Patented, Pending, Abandoned)
60/119,725	February 12, 1999	Pending

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Attorney or Agent	Registration No.	Attorney or Agent	Registration No.
David B. Bernstein	32,112	Leslie Meyer-Leon	37,381
David F. Crosby	36,400	A. Jason Mirabito	28,161
James G. Cullem	43,569	Michel Morency	Limited Recognition
Brett N. Dorny	35,860	John T. Prince	43,091
Ivor R. Elrifi	39,529	Brian Rosenbloom	41,276
John A. Harre	37,345	Carol H. Peters	45,010
Shane Hunter	41,858	Garfield B. Simms	45,109
David E. Johnson	41,874	Thomas M. Sullivan	39,392
Robert Klauszinski	42,742	Howard Susser	33,556
Kristin E. Konzak	44,848	Shelby J. Walker	45,192
Cynthia Kozakiewicz	42,764	Martin M. Zoltick	35,745
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Uchida *et al.*
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



Inventor's Signature

1/14/2000

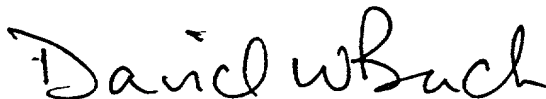
Date

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Inventor's Signature

JAN 14 2000

Date

Full Name of Inventor: David W. Buck

Citizenship: ~~United States~~ *DWB* UNITED KINGDOM

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Inventor's Signature

1/14/00

Date

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Date of Deposit: January 20, 2000

Attorney Docket No: 17810-510 (SCI-10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEAPPLICANTS: Uchida *et al.*

ASSIGNEE: CytoTherapeutics

SERIAL NUMBER: 09/422,844

EXAMINER: Not Yet Assigned

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IDENTIFYING, ISOLATING, AND ENRICHING SUCH POPULATIONSAssistant Commissioner for Patents
Washington, D.C. 20231**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

StemCells, Inc.
525 Del Rey Ave., Suite C
Sunnyvale, CA 94086

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in the application identified above.

Uchida and Beck
09/422,844

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing:

Title in organization of person signing:

Address of person signing:

George Dunbar
Acting President and Chief
Executive Officer
StemCells, Inc.
525 Del Rey Ave., Suite C
Sunnyvale, CA 94086

Signature: _____

Date: _____

TRADOCS:1268513.1(R6SH01).DOC)
11/30/99